IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

RP.No. 905 of 2004(B)
IN
M.F.A.NO.1058 OF 2000 (B)

AGAINST THE JUDGEMENT/ORDER IN MFA.1058/2000 Dated 26/03/2004
.....

REVIEW PETITIONER/APPELLANT:

A.S.RAJASEKHARAN,S/O.APPUKUTTAN NAIR,
KOLLAMVILAKATHU HOUSE, KARAKONAM,
MACHEL P.O., MALAYINKIL, THIRUVANANTHAPURAM DIST.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.R.V.SREEJITH

RESPONDENTS/RESPONDENTS:
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1. ABDULKHALA, S/O.HYDROSE,
NATTUKALLUMMOODU VEEDU, PAZHAYA KARAKKAMANDAPAM,
NEMOM, THIRUVANANTHAPURAM.

2. NOORUDEEN, S/O.HYDROSE, NATTUKALLUMOODU
VEEDU, PAZHAYA KARAKKAMANDAPAM, NEMOM,
THIRUVANANTHAPURAM.

3. THE MANAGER, NEW INDIA ASSURANCE CO.LTD.
BRANCH OFFICE NO.1. GANDHARI AMMANCOIL ROAD,
THIRUVANANTHAPURAM.

4. R.S.SATHEESH KUMAR, DHARNA BHAVAN,
HOUSE NO.470. PUTHENKONAM, BALARAMAPURAM,
THIRUVANANTHAPURAM (DIED).

(NAME OF THE 4TH RESPONDENT IS DELETED FROM THE PARTY ARRAY
AT THE RISK OF THE PETITIONER AS PER THE ORDER DATED 17.10.2001
ON C.M.P.NO.8048/2001)

BY ADV. SRI.L.VINCENT FOR R1 AND R2
SRI.LAL GEORGE FOR R3

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.B.KOSHY & K.THANKAPPAN, JJ.

C.M.APPLN.2391 OF 2004
&
R.P.NO.905 OF 2004 ()
IN
M.F.A.NO.1058 OF 2000 (B)

Dated this the 8th day of December, 2006

O R D E R

KOSHY,J.

The only ground mentioned in the review petition is that while calculating compensation, compensation should be separately calculated for permanent disability and loss of earning power. This is covered against the petitioner by the decision of the Full Bench in **Oriental Insurance Co. Ltd. v. Hariprasad (2005 (4) K.L.T. 977 (F.B.).** In any event, compensation was calculated after hearing the parties and judgment was dictated in the open court. There is no ground to review the judgment and the review petition cannot be equated to an appeal or a petition for rehearing of the matter. In this case Special Leave Petition was also disposed by the Apex Court. After filing the appeal, review petition cannot be

filed. Apart from the above, we also note that no sufficient grounds are made out for condoning the long delay of 244 days in filing the review petition. Hence delay condonation petition and review petition are dismissed.

J.B.KOSHY, JUDGE

K.THANKAPPAN, JUDGE

prp

J.B.KOSHY & K.THANKAPPAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

8th December, 2006